



FEDERAL ELECTION COMMISSION  
WASHINGTON, D C 20463

NOV 19 2004

**MEMORANDUM**

**TO:** The Commission

**FROM:** Lawrence H. Norton  
General Counsel

**BY:** Rhonda J. Vosdingh *RJ*  
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**RE:** MUR 5616 - Correction to RTB Findings  
(FORMERLY RAD REFERRAL #04L-04)

**I. BACKGROUND**

On November 17, 2004, the Commission determined by a vote of 6-0 to, among other things, "find reason to believe that the Pro-Life Campaign Committee and Pablo Gersten, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i) by failing to file timely disclosure reports" (emphasis added). The current citation covers the quarterly reports in issue. However, this Office's recommendation, and therefore, the Commission's finding, was incorrect. An additional statutory provision should have been included in the recommendation to cover a Mid-Year Report in issue. The recommendation should have read as follows: "find reason to believe that the Pro-Life Campaign Committee and Pablo Gersten, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i) and (iv) by failing to file timely disclosure reports" (emphasis added). The Commission also determined by a vote of 6-0 to "find reason to believe that the Pro-Life Campaign Committee and Pablo Gersten, as treasurer, violated 2 U.S.C. § 434b(2) and (4) by misreporting receipts and disbursements" (emphasis added). A parenthesis was inadvertently omitted in the statutory citation for the accompanying recommendation. The recommendation should have read as follows "find reason to believe that the Pro-Life Campaign Committee and Pablo Gersten, as treasurer, violated 2 U.S.C. § 434(b)(2) and (4) by misreporting receipts and disbursements" (emphasis added).

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Thus, this Office recommends that the Commission rescind its previous determination to find reason to believe that the Pro-Life Campaign Committee and Pablo Gersten, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i) by failing to file timely disclosure reports, and instead find reason to believe that the Pro-Life Campaign Committee and Pablo Gersten, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i) and (iv) by failing to file timely disclosure reports. This Office further recommends that the Commission rescind its previous determination to find reason to believe that the Pro-Life Campaign Committee and Pablo Gersten, as treasurer, violated 2 U.S.C. § 434b(2) and (4) by misreporting receipts and disbursements, and instead find reason to believe that the Pro-Life Campaign Committee and Pablo Gersten, as treasurer, violated 2 U.S.C. § 434(b)(2) and (4) by misreporting receipts and disbursements.

## **II. RECOMMENDATIONS**

1. Rescind the Commission's previous determination to find reason to believe that the Pro-Life Campaign Committee and Pablo Gersten, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i) by failing to file timely disclosure reports.

2. Find reason to believe that the Pro-Life Campaign Committee and Pablo Gersten, as treasurer, violated 2 U.S.C. § 434(a)(4)(A)(i) and (iv) by failing to file timely disclosure reports.

3. Rescind the Commission's previous determination to find reason to believe that the Pro-Life Campaign Committee and Pablo Gersten, as treasurer, violated 2 U.S.C. § 434b(2) and (4) by misreporting receipts and disbursements.

4. Find reason to believe that the Pro-Life Campaign Committee and Pablo Gersten, as treasurer, violated 2 U.S.C. § 434(b)(2) and (4) by misreporting receipts and disbursements.

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